

Geneva, December 29th, 1930.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

NINETEENTH SESSION



Held at Geneva from November 4th to 19th, 1930,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

**Comments by the Accredited Representatives
of the Mandatory Powers.**

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frontier of the rebel tribes who were being hemmed in by the forces of King Ibn Saud. With the active co-operation of British and Iraqi forces, these tribes were finally defeated in the early part of 1930, their leaders were handed over with their own consent to King Ibn Saud, and for the remainder of the year there have been no incidents.

Frontier between Syria and Iraq.

With regard to the frontier between Syria and Iraq, no progress is recorded in the report under review ; but, as the Commission may be aware, the whole question has recently been discussed informally by the British and French Governments in Paris, and definite steps are being taken to reach a solution of this long-outstanding question.

Public Health.

It will be seen from the figures which are given on page 64 of the report that the sanctioned budget for the health service for the year 1929-30 showed an increase of nearly two lacs of rupees. The Iraq Government is fully alive to the importance of maintaining an efficient health service, and, so far as the resources of the country permit, every effort will be made to ensure this result.

The Bahai Case.

It will be noticed that there is no mention of what is called the Bahai case in the report under review. This is because the year 1929 closed while the matter was still under consideration, and no definite decision had been taken. The position when I arrived in Baghdad as Acting High Commissioner at the end of September last year was that the late Sir Gilbert Clayton had been taking the matter up strongly with the Iraq Government, and that the then Prime Minister, Sir Abdul Muhsin al Sa'dun, had undertaken to investigate the whole question with a view to deciding what steps could be taken to satisfy the claims of the Bahai community. The tragic deaths of Sir Gilbert Clayton and Sir Abdul Muhsin naturally resulted in a certain amount of delay ; but the first action of the present Iraq Government, after the conclusion of the Treaty negotiations, was to appoint a strong Committee to go into the whole question. The terms of reference of the Committee were as follows :

“ To consider the question of the claim of the Bahai community to certain houses in Baghdad, and, without going into the past history of the case, to indicate as soon as possible what line of action the Government should adopt for disposing of this long-outstanding question. ”

The Chairman of the Committee was the British President of the Court of Appeal, and the three Iraqi members were the Director-General of the Interior, the Amin al Asimah, or Lord Mayor of Baghdad, and the Director of Judicial Administration. Their report was considered by the Iraq Government as soon as possible after the return of the Prime Minister from London in September, and I am authorised to say that the Iraq Government has decided to proceed in accordance with the recommendation of the Committee.

The decision of the Iraq Government is that the property in question, together with a considerable area surrounding it, should be expropriated by the Government for a public purpose — for example, for a school, dispensary, or public gardens.

Penalties for Violation of Public Liberty.

With regard to the question raised by M. Orts as reported on page 39 of the Minutes of the sixteenth session, on the subject of penalties for violation of liberty, the draft new Penal Code which is now under consideration by the Iraq Government, and which it hopes to present to Parliament during the present session, provides heavy penalties for illegal arrest and false imprisonment. Abduction is made punishable by imprisonment not exceeding seven years, and for abducting women over the age of 15 years with intent to compel them to contract a marriage or consent to illicit sexual intercourse the penalty prescribed is imprisonment not exceeding ten years. I should also like to call the attention of the Commission to Article 7 of the Iraq Constitution, which guarantees freedom from illegal arrest, detention or deportation.

Education.

With regard to the points raised by Mlle. Dannevig, as reported on page 45 of the same Minutes, I hope it will be found that the report under review contains all the information which my predecessor undertook to provide. I have only to correct one small inaccuracy in one of his answers, where he said that only such private schools as were subsidised were inspected. This is not the case. All private schools are inspected whether or not they receive a grant in aid.

I should like also to point out that the suggestion in Mlle. Dannevig's question, twelve lines from the bottom of page 45, that the Agricultural College, the Royal College of Medicine, the Military College and the Al al Bait had at one time been under the control of the Ministry of Education, is inaccurate. These schools were never under the Ministry of Education.

“ It is not within our competence to enumerate all the conditions which would have to be imposed on the sovereign State for the protection of these minorities. We feel it our duty, however, to point out that the Assyrians should be guaranteed the re-establishment of the ancient privileges which they possessed, in practice, if not officially, before the war. Whichever may be the sovereign State, it ought to grant these Assyrians a certain local autonomy, recognising their right to appoint their own officials and contenting itself with a tribute from them, paid through the agency of their Patriarch.

“ All the Christians and the Yezidi should be assured of religious freedom and the right of opening schools.

“ The status of minorities would necessarily have to be adapted to the special conditions of the country ; we think, however, that the arrangements made for the benefit of minorities might remain a dead letter if no effective supervision were exercised locally.

“ The League of Nations representative on the spot might be entrusted with this supervision. ”

In its resolution of December 16th, 1925, the Council referred to the minorities of Iraq in the following paragraph :

“ The British Government, as mandatory Power, is invited to act, as far as possible, in accordance with the other suggestions of the Commission of Enquiry as regards measures likely to ensure pacification and to afford equal protection to all the elements of the population, and also as regards the commercial measures indicated in the special recommendations of the Commission's report. ”

This resolution was communicated by the Council to the Permanent Mandates Commission on March 11th, 1926, with the request that the Commission should bear it in mind when examining the annual reports on Iraq.

The Commission echoed the apprehensions felt, not only by the parties concerned, but also by a considerable section of the public in several countries regarding the lot of the minorities in Iraq since the moment when the country began to prepare for complete independence, and the supervision of the Iraq Administration by the mandatory Power was gradually relaxed.

The Commission has noted a statement by the accredited representative of the mandatory Power to the effect that Iraq, when she gains her full freedom, would undoubtedly be prepared to accept international obligations safeguarding the rights of minorities in her territory. The Commission feels bound to refer to this statement now, before there is any question of the various conditions which may be laid down when the Mandate comes to an end, because it thinks that such a statement may dispel the anxiety of the persons in question and of those who, outside Iraq, are anxious about their future (pages 78 to 80, 94 to 96).

2. *Education and Public Health.*

The Commission repeats its previous recommendations that the public health and education services should be improved and developed and the credits allocated for this purpose increased (pages 77, 78, 98, 104, 105).

3. *Administration of Justice.*

The Commission notes a statement by the accredited representative that the Iraqi Government has appointed a Commission to propose some method of providing redress for the wrong done to the Bahai sect by the denial of justice to that sect. It regrets that such redress has not yet been given, in spite of the Council's endorsement on March 4th, 1929, of the Commission's conclusions (pages 77, 82).

4. *Economic Development.*

In its report to the Council on its sixteenth session, the Commission made a recommendation regarding oil production. It expressed the hope that the authorities, realising the importance of the exploitation of this natural wealth as a factor in the country's prosperity, would see their way, should any fresh concessions be granted, to impose on the companies to which they are granted conditions which will ensure the due development of the Iraq oil industry.

The Permanent Mandates Commission was unable to obtain precise information from the accredited representative as to the circumstances delaying the exploitation of the oil deposits existing in Iraq. It hopes to find particulars on this point in the next annual report.

The Commission trusts that the mandatory Power will see that the competent authorities pursue a policy entirely in conformity with the territory's interests, not only in the event of new concessions being applied for, but also in case it should be necessary to interpret the agreements concluded with existing concessionnaire companies (pages 90 to 92, 102, 103, 122 to 124, 150 to 152).

Petition concerning all the Territories.

Petition of the League of Nations Union of London, dated June 13th, 1929 (document C.P.M.863) (page 140).

Observations of the Belgian, British, French, Japanese, South-African and New Zealand Governments (document C.P.M.1003) and of the Australian Government (document C.P.M.1003a).

Report (see Minutes, Annex 17 c.).

CONCLUSIONS.

The Permanent Mandates Commission notes with satisfaction the replies of the Mandatory Powers and decides that no other action need be taken on this petition.

II

COMMENTS OF THE ACCREDITED REPRESENTATIVES

SUBMITTED IN ACCORDANCE WITH SECTION (e)

OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

I. IRAQ.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED DECEMBER 5TH, 1930.

I have the honour to acknowledge receipt of your letter No. 6 A /22103 /655 of November 20th, enclosing an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination, at its recent session, of the administration of Iraq.

2. The only comment I have to offer is that, in special Observation No. 3, on the subject of the Bahai case, the impression might perhaps be given that the strong Commission appointed by the Iraqi Government to consider this question had not yet presented its report, whereas the facts are, as I had the honour to explain to the Permanent Mandates Commission, that the report has been presented and accepted by the Iraqi Government.

(Signed) Hubert Young.

II.

The accredited representatives for RUANDA-URUNDI, CAMEROONS UNDER FRENCH MANDATE, TOGOLAND and CAMEROONS UNDER BRITISH MANDATE, the ISLANDS UNDER JAPANESE MANDATE and WESTERN SAMOA have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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